

# Notice of Allowability

Application No.

09/525,875

Examiner

Robert Mosser

Applicant(s)

PACKES ET AL.

Art Unit

3714

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.


1. ☒ This communication is responsive to papers filed 9-28-2004.
2. ☒ The allowed claim(s) is/are 1-22, 24-31, 53, 54, 66 and 69.
3. ☒ The drawings filed on 14 March 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
JESSICA HARRISON  
PRIMARY EXAMINER

**DETAILED ACTION**



**In reply to the amendment dated 8-16-2004.**

**Claims 1-22, 24-31, 53, 54, 66, and 69 are allowed.**



***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C.

121:

- I. Claims **1-22, 24-31, 53, 54, 66, and 69**, drawn to the determination of a game multiplier option including limiting the use of the multiplier in prize determination if the resultant prize would exceed a certain threshold, classified in class 463, subclass 25.
- II. Claims **70-78** are, drawn to only the determination of a game multiplier, classified in class 463, subclass 25.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as combination and subcombination.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the distribution of a bonus multiplier either through award or sale

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(recognized as the combination) does not require the limiting of the bonus multiplier's effect in prize determination (recognized as the subcombination). The subcombination has separate utility such determining way in which to distribute bonus multipliers.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

During a telephone conversation with Magdalena M. Fincham on January 12<sup>th</sup>, 2005 a provisional election was made not to traverse the restriction requirement and to prosecute the invention of group I, as set forth in claims **1-22, 24-31, 53, 54, 66, and 69**. Michael Downs later confirmed the provisional election during a telephone interview on March 7<sup>th</sup>, 2005. Affirmation of this election must be made by applicant in replying to this Office action. Claims **70-78** are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

#### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Downs on March 7<sup>th</sup>, 2005.

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Enter the proposed amendments attached. Including the cancellation of claims **70-78**.

### REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: Claims 1-22, 24-31, 53, 54, 66, and 69 are allowed over the art of record for presenting a random determination of a multiplier amount and not applying a multiplier to a winning amount or equivalently changing said multiplier to one if the result of multiplying the winning amount by the multiplier would exceed a certain value in combination. In particular while the random determination of a multiplier amount is well known in that art and in particular so in keno type lottery devices. The limitation of the prize amount is typically handled through only assigning multipliers to a game which are known in advance to not cause the prize if any associated with a ticket or game to exceed a predetermined amount juxtapose to the determination of the effective multiplier after it's selection. The closest art of record "Georgia Power Ball confusion or cash awaits game players" by Jill Vejnoska teaches a limiting the use of the multiplier based on the awarding of only the jackpot prize. Vejnoska however, does not rely on a separate consideration of prize amount to determine how the multiplier is applied and instead limits the use of the multiplier to particular instance.

The second closest art of record is Olsen (US 6,656,048 & US 6,217,448) teaches the use of payment limiting or cap functions to limit the total amount paid off in the event of a gaming win. While the system of Olsen allows

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for the limiting of a payout to a certain amount (i.e. The bonus reward would be limited to \$1000.00 even in the case that the bonus payoff amount is equal to \$1500.00) it does not provide for the instant device that selectively applies a game multiplier to the redemption value of the set of play indicia based on the redemption value of the play indicia.

The prior art of record fails to teach or suggest the claimed manner of changing the magnitude of a multiplier to one if a redemption value of the set of play indicia is outside a defined range of redemption values when considered individually or in combination.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Mosser whose telephone number is (571)-272-4451. The examiner can normally be reached on 8:30-4:30 Monday-Thursday.

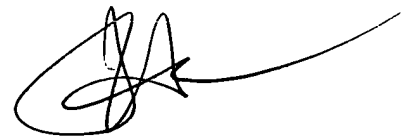
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H Banks can be reached on (571) 272-4419. The

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fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

REM

A handwritten signature in black ink, appearing to be 'JH' with a long horizontal flourish extending to the right.

JESSICA HARRISON  
PRIMARY EXAMINER

**PROPOSED AMENDMENTS**

1. (Currently Amended) A method of processing lottery ticket sales comprising:  
determining a price for eligibility for a multiplier option,  
wherein a magnitude of a multiplier is determined at random;  
receiving, via an input device, a request to purchase a set of play indicia;  
receiving, via the input device, a request to purchase eligibility for the multiplier option;  
associating the play indicia with the multiplier,  
wherein a magnitude of the multiplier is changed to one if a redemption value of the set of play indicia is outside a defined range of redemption values; and  
pricing a lottery ticket based on the price for eligibility for the multiplier option and a price of the associated play indicia.
2. (Previously Presented) The method of claim 1 wherein the step of receiving a request to purchase eligibility for the multiplier option includes offering for purchase eligibility for a multiplier option having a magnitude within a defined range of magnitudes.
3. (Previously Presented) The method of claim 1 wherein the step of receiving a request to purchase eligibility for the multiplier option includes offering for purchase eligibility for a multiplier option having a magnitude that is at least one of an integer, a fraction, and a mixed number.
4. (Previously Presented) The method of claim 1 wherein the step of receiving a request to purchase eligibility for the multiplier option includes

**PROPOSED AMENDMENTS**

offering for purchase eligibility for a multiplier option that may be at least one of a double multiplier, a triple multiplier, and a quadruple multiplier.

5. (Previously Presented) The method of claim 1 wherein the step of associating the play indicia with the multiplier includes storing data related to the set of play indicia and the multiplier.
6. (Original) The method of claim 5 wherein the step of storing data includes storing the data in a registration database.
7. (Original) The method of claim 5, further comprising the step of transmitting the data between a lottery server and at least one of a player terminal and a lottery terminal.
8. (Previously Presented) The method of claim 1, further comprising prompting a cashier to offer to sell a second multiplier option having a multiplier with a larger magnitude than the randomly selected magnitude.
9. (Previously Presented) The method of claim 1, further comprising displaying the price for eligibility for the multiplier option and a price for eligibility for at least one additional multiplier option having a multiplier with a different magnitude than the randomly selected magnitude.



**PROPOSED AMENDMENTS**

10. (Original) The method of claim 1, further comprising the step of inputting data relating to the play indicia and the multiplier, wherein the step of inputting the data is selected from at least one of scanning a code representative of the data, keying in the data, recognizing a voice command, and receiving the data from a terminal.

11. (Previously Presented) The method of claim 1 wherein determining a price for eligibility for the multiplier option includes computing an expected value of the multiplier option.

12. (Previously Presented) The method of claim 11 wherein determining the price includes determining the price based upon the expected value of the multiplier option.

13. (Previously Presented) The method of claim 12, wherein the step of computing includes computing the expected value of the multiplier option based on at least the product of at least two of a probability of a set of play indicia being a winning set of play indicia, a value of a winning set of play indicia, and a sharing discount.

**PROPOSED AMENDMENTS**

14. (Previously Presented) The method of claim 11 wherein the step of determining the price includes determining the price based upon at least one of: a markup value, a magnitude of the multiplier, a number of other multipliers sold, an anticipated number of other multiplier that will be sold, an average magnitude of other multipliers sold, a total magnitude of other multipliers sold, a set of other multipliers sold, a number of lottery players, a number of play indicia sets being sold, a number of other play indicia sets sold, an anticipated number of other play indicia sets that will be sold, a total number of play indicia sets sold, a number of unique play indicia sets sold, an anticipated number of additional play indicia sets that will be sold, an anticipated number of times a particular set of play indicia set will be sold, the probabilities of each of the possible quantities sold of each of the possible set of play indicia that are sold, a number of play indicia sets associated with the multiplier, a number of winning play indicia sets to which the multiplier can be applied, a probability of winning a lottery, a size of a lottery jackpot, a lottery payout table, a set of lottery payout amounts, a type of lottery, a set of rules of a lottery, conditions defined to effect the magnitude of the multiplier, and external predefined conditions.

15. (Original) The method of claim 1, wherein the play indicia are for a drawing-type lottery game.

16. (Original) The method of claim 1, wherein the play indicia are for an instant-type lottery game.

17. (Original) The method of claim 1, wherein the multiplier can be applied to redemption values of any of the sets of play indicia associated with the multiplier.

**PROPOSED AMENDMENTS**

18. (Original) The method of claim 1, wherein the multiplier can be applied to a redemption value of any one of the sets of play indicia associated with the multiplier.

19. (Original) The method of claim 1, wherein the multiplier can be applied to a redemption value of at least one set of play indicia specified by the player and associated with the multiplier.

20. (Original) The method of claim 1, wherein the multiplier can be applied to a redemption value of at least one set of play indicia associated with the multiplier and specified by a lottery provider.

21. (Original) The method of claim 1, wherein the multiplier can only be applied to a redemption value of a play indicia recorded on lottery tickets from a predefined group of instant-type lottery tickets.

22. (Original) The method of claim 1, wherein the multiplier is applied to a redemption value of a set of play indicia based upon the outcome of a predefined event.

23. (Cancelled)

24. (Previously Presented) The method of claim 1, wherein the magnitude of the multiplier varies based on at least one of a location from which the play indicia is purchased, a value of the play indicia, a type of lottery game, an outcome of an event, an initial magnitude of the multiplier, and a specified time frame.

**PROPOSED AMENDMENTS**

25. (Original) The method of claim 1, wherein the play indicia are recorded on a lottery ticket.

26. (Original) The method of claim 25, wherein the lottery ticket is in the form of at least one of paper, cardboard, plastic, magnetic, optical, and electronic medium.

27. (Original) The method of claim 1, further comprising the steps of:  
receiving a request to purchase at least one additional set of play indicia; and  
associating the additional sets of play indicia with the multiplier.

28. (Previously Presented) The method of claim 27, wherein a first set of the play indicia is recorded on a first lottery ticket, a second set of the play indicia is recorded on a second lottery ticket, and an indicia of the multiplier are recorded on a third lottery ticket.

29. (Previously Presented) The method of claim 1, wherein the at least one set of play indicia and an indicia of the multiplier are recorded on a lottery ticket.

30. (Previously Presented) The method of claim 1, further comprising the steps of recording the play indicia on a first lottery ticket and recording an indicia of the multiplier on a second lottery ticket.

31. (Previously Presented) The method of claim 30, further comprising the steps of:

identifying the first lottery ticket with a ticket identifier; and  
recording the ticket identifier on the second lottery ticket.

**PROPOSED AMENDMENTS**

32 – 52 (Cancelled)

53. (Currently Amended) A method comprising:  
determining a price for eligibility for a multiplier option,  
wherein a magnitude of a multiplier will be determined at random;  
receiving, via an input device, a request to purchase eligibility for the  
multiplier option and an associated set of play indicia,  
wherein the multiplier is not to be applied to the set of play indicia if  
a redemption value of the set of play indicia exceeds a certain value; and  
determining a price for a lottery ticket associated with the multiplier and the  
associated set of play indicia.

54. (Currently Amended) A method comprising:  
receiving, via an input device, a request to purchase a plurality of sets of  
play indicia and eligibility for a multiplier option, wherein a magnitude of a  
multiplier is won;  
associating the plurality of sets of play indicia with the multiplier option,  
wherein the multiplier is not to be applied to a set of play indicia if a  
redemption value of the set of play indicia exceeds a certain value; and  
determining a price for the multiplier option based upon at least the  
multiplier option including a multiplier with a randomly selected magnitude and a  
quantity of the plurality of sets of play indicia associated with the multiplier  
option.

55 – 65 (Cancelled)

**PROPOSED AMENDMENTS**

66. (Currently Amended) A method comprising:
- determining an expected value of a multiplier option wherein the multiplier option includes a multiplier having a magnitude that will be determined at random in conjunction with a lottery drawing; and
- receiving, via an input device, a request to purchase the multiplier option at a price based on the expected value, wherein the multiplier includes an undetermined magnitude at the time of the request and can be applied to a redemption value of at least one set of play indicia,
- wherein the multiplier is not to be applied to the at least one set of play indicia if the redemption value of the set of play indicia exceeds a certain value.

67 – 68 (Cancelled)

**PROPOSED AMENDMENTS**

69. (Currently Amended) A method comprising:
- determining a price for eligibility for a multiplier option, wherein a magnitude of a multiplier is to be determined at random;
  - receiving, via an input device, a request to purchase play indicia;
  - receiving, via the input device, a request to purchase eligibility for the multiplier option;
  - associating the play indicia with the multiplier option;
  - pricing a lottery ticket based on the price of the multiplier option and a price of the associated play indicia;
  - executing a lottery drawing;
  - determining, randomly, the magnitude of the multiplier;
  - determining a prize based on the result of the lottery drawing, the magnitude of the multiplier, and the play indicia,
  - wherein the multiplier is not applied in the determination of the prize if an initial value of the prize exceeds a certain value; and
  - associating the prize with the play indicia.

70 - 78. (Cancelled)